

### REMARKS

Claims 1-48, 81 and 83 were previously pending in the above-identified application ("Application"), and remain unchanged. Accordingly, Claims 1-48, 81 and 83 are presented for further consideration.

**Response to Rejections of Claims 1-4, 6-11, 17-21, 24-28, 30-35, 41-45, 48, 81 and 83 under 35 U.S.C. § 102(e)**

The Office Action rejected Claims 1-4, 6-11, 17-21, 24-28, 30-35, 41-45, 48, 81 and 83 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2002/0178447 by Plotnick et al. ("Plotnick").

The present Application was filed on October 17, 2001. Plotnick was filed after the present Application on April 3, 2002, but claims priority to two provisional applications, U.S. Prov. App. No. 60/281,037 (hereinafter, the '037 provisional application), filed on April 3, 2001, and U.S. Prov. App. No. 60/329,992 (hereinafter, the '992 provisional application), filed on October 17, 2001. Therefore, Applicants respectfully submit that Plotnick is not prior art to the Application for any matter which is not disclosed or enabled by the '037 provisional application or the '992 provisional application. *See* M.P.E.P. § 706.02(f)(1)(I)(B) ("The 35 U.S.C. 102(e) date of a reference...is its earliest effective U.S. filing date...if the prior application(s) properly supports the subject matter used to make the rejection in compliance with 35 U.S.C. 112, first paragraph.") (emphasis added).

In addition, Applicants respectfully submit that Plotnick is not prior art to the Application for any matter supported solely by the '992 provisional application because the '992 provisional application was filed on the same date as the present Application.

The '037 provisional application neither discloses nor enables, *inter alia*, "receiving a first signal from a viewer control interface indicating a viewer command to the audiovisual system, wherein the audiovisual system is responsive to the viewer command by initiating a corresponding action selected from the group consisting of: fast-forwarding the selected broadcast stream, pausing the selected broadcast stream, replaying the selected broadcast stream, and performing a program search" and "defining a viewer profile of the viewer of the display based on the viewer command," as recited by Claims 1 and 25. In asserting that Plotnick teaches these features, the Office Action cited to portions of Plotnick, including Plotnick Spec. ¶0063,

lines 1-4; ¶ 0109, lines 3-8 and 12-13, ¶ 0110, lines 1-4, and ¶ 0111, lines 3-5. Applicants respectfully submit that Plotnick, including these cited portions, does not disclose these features of Claims 1 or 25. However, even assuming, *arguendo*, that the cited portions of Plotnick did disclose these features, Applicants respectfully submit that these portions of Plotnick are not disclosed or enabled by the '037 provisional application. Therefore, these portions of Plotnick are not prior art to the present Application. Accordingly, Applicants respectfully request that the rejections of Claim 1 and 25 be withdrawn and that Claims 1 and 25 be passed to allowance.

Claims 2-4, 6-11, 17-21, 24, 26-28, 30-35, 41-45, 48, 81 and 83 depend, either directly or indirectly, from one of independent Claims 1 and 25. They are each believed to be patentably distinguished, *inter alia*, for the reasons set forth above in relation to the independent claim from which they depend and for the additional features recited therein and in any intervening claims. Accordingly, Applicants respectfully request that the rejections of Claims 2-4, 6-11, 17-21, 24, 26-28, 30-35, 41-45, 48, 81 and 83 be withdrawn and that these claims be passed to allowance.

**Response to Rejections of Claims 5, 12-16, 22, 23, 29, 36-40, 46 and 47 under 35 U.S.C. § 103(a)**

The Office Action rejected Claims 5, 12-16, 22, 23, 29, 36-40, 46 and 47 under 35 U.S.C. § 103(a). Claims 5 and 29 were rejected as being unpatentable over Plotnick in view of U.S. Pat. No. 6,718,551 to Swix et al. ("Swix"). Claims 12-14 and 36-38 were rejected as being unpatentable over Plotnick. Claims 15, 16, 22, 23, 39, 40, 46 and 47 were rejected as being unpatentable over Plotnick in view of U.S. Pat. No. 5,774,170 to Hite et al. ("Hite"). Applicants respectfully disagree and traverse these rejections, the characterization of the pending claims, and each and every implicit and/or explicit official notice.

Applicants reiterate that, for the reasons expressed above, Plotnick fails to disclose, *inter alia*, "receiving a first signal from a viewer control interface indicating a viewer command to the audiovisual system, wherein the audiovisual system is responsive to the viewer command by initiating a corresponding action selected from the group consisting of: fast-forwarding the selected broadcast stream, pausing the selected broadcast stream, replaying the selected broadcast stream, and performing a program search" and "defining a viewer profile of the viewer of the display based on the viewer command," as recited by Claims 1 and 25. Furthermore, Applicants

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respectfully submit that Swix and Hite, either individually or in combination with Plotnick or each other, also fail to disclose, *inter alia*, these features of Claims 1 and 25.

Claims 5, 12-16, 22, 23, 29, 36-40, 46 and 47 depend, either directly or indirectly, from one of independent Claims 1 and 25. They are each believed to be patentably distinguished, *inter alia*, for the reasons set forth above in relation to the independent claim from which they depend and for the additional features recited therein and in any intervening claims. Accordingly, Applicants respectfully request that the rejections of Claims 5, 12-16, 22, 23, 29, 36-40, 46 and 47 be withdrawn and that these claims be passed to allowance.

**No Disclaimers or Disavowals**

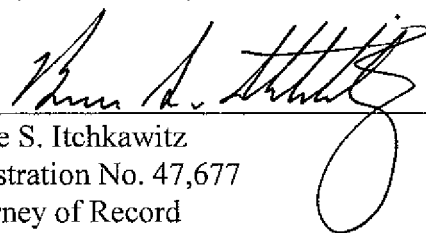
Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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